

FOR UTILITY/DESIGN
CIP/PLANT
ORIGINAL/SUBSTITUTE
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSHMAN
FORM

MAILED
JUN
10
1991

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

AN ADHESION MOLECULE

specification of which (CHECK applicable BOX(ES))

X is attached hereto.
BOX(ES) was filed on April 9, 1991 as U.S. Application No. 07/682,513.
→ was filed as PCT international Application No. PCT/ / on
and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including (to the best of my ability) the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 120/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application.

PRIOR FOREIGN APPLICATION(S)

Priority Claimed

Number	Country	Day/Month/Year Filed	Yes	No
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I hereby claim the benefit under 35 U.S.C. 120/365 of all United States applications listed below and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of each such prior application and the national or PCT international filing date of this application.

PRIOR U.S. OR PCT APPLICATION(S)

Status

Application No. (series code/serial no.)	Day/Month/Year Filed	Status
07/669,730	15/3/1991	pending, abandoned, patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
And I hereby appoint Cushman, Darby & Cushman, Eleventh Floor, 1615 L Street, N.W., Washington, D.C. 20036-3601, telephone number 861-3000 (to whom all communications are to be directed), and the below named partners thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Cushman, Darby & Cushman in writing to the contrary.

Paul N. Kokulis	348/16773	William K. West, Jr.	22057	William T. Bullinger	25503	Glenn J. Perry	28458
Raymond F. Lippitt	175B	Kevin E. Joyce	20508	Donald J. Bird	25323	Kendrew H. Colton	30368
G. Lloyd Knight	17698	Edward M. Prince	22429	W. Warren Taltavull	25647	Chris Commissis	31097
Carl G. Love	18781	Donald B. Deaver	23048	Watson T. Scott	26581	Lawrence Harbin	27644
Lawrence A. Hymo	19057	David W. Brinkman	20817	Peter W. Gowdey	25872	Wallace G. Walter	27843
Edgar H. Martin	20534	George M. Sirilla	18221	Dale S. Lazar	28872	Paul E. White, Jr.	32011

1) INVENTOR'S SIGNATURE

J. Brice Weinberg Date 28 May 91

Inventor's Name (typed) *J. Brice*

First

Middle Initial

WEINBERG

USA

Country of Citizenship

Residence (City) Durham

North Carolina

NC

Post Office Address (Include Zip Code) VA and Duke University Medical Centers, 151G, Durham, NC 27705

2) INVENTOR'S SIGNATURE

Bartow F. Payne Date 5/22/91

Inventor's Name (typed) *Bartow F. Payne*

First

Middle Initial

HAYNES

USA

Country of Citizenship

Residence (City) Durham

North Carolina

NC

Post Office Address (Include Zip Code) Duke University Medical Centers, Box 3258, Durham, NC 27710

3) INVENTOR'S SIGNATURE

Date

Inventor's Name (typed)

First

Middle Initial

Family Name

Country of Citizenship

Residence (City)

(State/Foreign Country)

Post Office Address (Include Zip Code)

4) INVENTOR'S SIGNATURE

Date

Inventor's Name (typed)

First

Middle Initial

Family Name

Country of Citizenship

Residence (City)

(State/Foreign Country)

Post Office Address (Include Zip Code)

FOR ADDITIONAL INVENTORS, check box and attach sheet (CDC-116/2) for same information for each re signature, name, date, citizenship, residence and address.

PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material when there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

PATENT LAWS 35 U.S.C.

S102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

S103. Conditions for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

* Six months for Design Applications (35 U.S.C. 172).

Inventor(s): WEINBERG et al. (Atty. Dkt.
Appln. No. 0 7 682 518 or Ent. No.: 0 7 682 518 (84203 /
Filed: April 9, 1991 or Issued: April 9, 1991 M# / Client Ref.
Title: AN ADHESION MOLECULE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION DUKE UNIVERSITY
ADDRESS OF ORGANIZATION Durham, North Carolina

TYPE OF ORGANIZATION

UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
 TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3))
 NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
 WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
 WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention

entitled AN ADHESION MOLECULE

by inventor(s) WEINBERG et al

described in

X + the Specification filed herewith,
one + Application No. 0 7 682 518, filed April 9, 1991.
box + Patent No. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each small entity individual, concern or organization having rights to the invention is listed below in (A) and (B) and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

(A) FULL NAME of assignee/licensee/grantee/conveyee*

ADDRESS _____

X proper box: INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

(B) FULL NAME of assignee/licensee/grantee/conveyee*

ADDRESS _____

X proper box: INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

*NOTE: Separate verified statement is required from each person, concern or organization named in (A) and (B) above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this case, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mr. W. Mark Crowell

TITLE IN ORGANIZATION Director, Office of Technology Transfer

ADDRESS OF PERSON SIGNING 07 Allen Building, Duke University, Durham, NC 27706

SIGNATURE Mark Crowell

DATE MAY 28 1991